

## The Honorable Franklin D. Burgess

UNITED STATES DISTRICT COURT  
FOR THE WESTERN OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA )  
Plaintiff, ) NO. CR04-5460FDB  
v. )  
TOBIAS GRACE, and ) ORDER  
SCOTT LANEY, ) CONTINUING TRIAL  
Defendants. )

## ORDER

THIS MATTER COMES before the Court on the stipulation of the government and the defendants Scott Laney and Tobias Grace requesting an order setting a new trial date and a new pretrial motions date. Having considered the stipulation of the parties and all the files and records herein,

**THE COURT FINDS AS FOLLOWS:**

1. The facts and circumstances are as set forth in the Stipulation Requesting Order Continuing Trial.

2. Failure to grant a continuance in this case will deny counsel the reasonable time necessary for effective preparation of trial and other pretrial proceedings, taking into account the exercise of due diligence;

3. Failure to grant a continuance would likely result in a miscarriage of justice;

4. This case is unusual, and legally and factually complex given the breadth and

[PROPOSED] ORDER  
CONTINUING TRIAL/CR04-5460FDB - 1

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complexity of the charged conspiracies, and the related pending charges against Mr. Grace in the Northern District of California; and

5. The ends of justice served by granting this continuance outweigh the best interest of the public and the defendants in a speedy trial;

6. All these findings are made within the meaning of 18 U.S.C. §3161 (h)(8)(A), (h)(8)(B)(I), (h)(8)(B)(ii), and (h)(8)(B)(iv).

7. The period of time from the current trial date of October 24, 2005 up to and including the new trial date of November 28, 2005 encompassed by the continuance shall be excluded from the computation of time under the Speedy Trial Act.

**THE COURT THEREFORE ORDERS THAT:**

The trial shall be continued from October 24, 2005, to November 28, 2005. Pretrial motions shall be filed by September 1, 2005.

The defendants shall immediately file with the Court waivers of their rights under the Speedy Trial Act, 18 U.S.C. § 3161 et seq., for the period from October 24, 2005, to December 30, 2005.

DATED this 15<sup>th</sup> day of July, 2005.

/s/ Franklin D Burgess  
THE HONORABLE FRANKLIN D. BURGESS  
United States District Judge  
Western District of Washington

1                   CERTIFICATE OF MAILING  
2  
3

4                   I hereby certify that on July 20, 2005, I electronically filed the foregoing with the Clerk of  
5 the Court using the CM/ECF system which will send notification of such filing to the following:

6                   Annette L. Hayes  
7                   Attorney representing the United States of America

8                   Richard J. Troberman  
9                   Attorney representing Scott Laney

10                  I hereby certify that I will immediately mail by United States Postal Service this document to any  
11 of the preceding parties who are found to be non-CM/ECF participants.

12                  \_\_\_\_\_  
13                  /s/ Ann Eldore  
14                  Ann Eldore  
15                  Legal Assistant  
16                  Bell Flegenheimer  
17                  119 First Ave. S., # 500  
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